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NOTIFICATION

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The following Bill together with the Statement of Objects and Reasons, is published, as ordered by the Speaker under Rule 73 of the Rules of Procedure and Conduct of Business in the Assembly.

Legislature Secretariat,
Trivandrum, 21st March 1959.

V. KRISHNAMOORTHI,
Secretary,
Legislative Assembly.

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THE STATE TRANSPORT AUTHORITY AND THE REGIONAL TRANSPORT AUTHORITIES (CONTINUANCE OF THE TERM OF OFFICE) VALIDATION BILL, 1959

A

BILL

to validate the continuance of the term of office of the State Transport Authority and certain Regional Transport Authorities.

Preamble.—WHEREAS the term of office of the State Transport Authority and the Regional Transport Authorities of Cannanore, Kozhikode, Quilon, Trivandrum, Trichur, Kottayam and Palghat expired on 26th August, 1958 and that of the Regional Transport Authority, Alleppey expired on 30th September, 1958;

AND WHEREAS the Government sanctioned the continuance of the term of office of the said authorities by Notification No. 74520|58|PW|TB.1 dated 23rd December, 1958;

AND WHEREAS the said authorities functioned till 30th December, 1958 on which date new authorities were constituted;

AND WHEREAS doubts have arisen as to the validity of the continuance in office of the State Transport Authority and the Regional Transport Authorities of Cannanore, Kozhikode, Quilon, Trivandrum, Trichur, Kottayam and Palghat from 27-8-1958 till 30-12-1958 and of the Regional Transport Authority, Alleppey from 1-10-1958 till 30-12-1958;

AND WHEREAS it is necessary to remove such doubts;

BE it enacted in the Tenth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the State Transport Authority and the Regional Transport Authorities (Continuance of the Term of Office) Validation Act, 1959.

(2) It extends to the whole State of Kerala.

(3) It shall come into force at once.

2. *Validation of the sanction for the continuance of the term of office of the State Transport Authority and the Regional Transport Authorities.*—(1) The continuance of the term of office of the State Transport Authority and the Regional Transport Authorities (except the Regional Transport Authority, Ernakulam) sanctioned by the Government by Notification No. 74520|58|PW|TB1 dated 23rd December, 1958, issued

under sub-sections (1) and (2) of section 44 of the Motor Vehicles Act, 1939, shall be deemed to have been validly ordered and the term of office of the State Transport Authority and the Regional Transport Authorities of Cannanore, Kozhikode, Quilon, Trivandrum, Trichur, Kottayam and Palghat shall be deemed to have been extended from 27th August, 1958 upto 30th December, 1958 and that of the Regional Transport Authority of Alleppey shall be deemed to have been extended from 1st October, 1958 upto 30th December, 1958. All powers exercised, duties performed, orders passed and all things done and action taken or purported to be done or taken by or under any provisions of the said Motor Vehicles Act or the Rules made thereunder by the said authorities during the respective periods aforesaid, shall be deemed to have been validly exercised, performed, passed, done and taken and shall not be called in question in any Court of law on the ground that the sanction of the Government for the continuance of the term of office of the said authorities with retrospective effect was not authorised by law or on any other ground.

(2) No suit or other proceeding challenging the validity of any such power exercised, duty performed, order passed, thing done or action taken or for any relief on the ground that such power, duty, order, thing or action was not validly exercised, performed, passed, done or taken, shall be maintained or continued in any court and no court shall enforce any decree or order holding any such power, duty, order, thing or action to be invalid or grant any such relief to any person.

STATEMENT OF OBJECTS AND REASONS

The tenure of Office of the State Transport Authority and the Regional Transport Authorities of Cannanore, Kozhikode, Palghat, Trichur, Kottayam, Quilon and Trivandrum expired on 26-8-1958 and the term of office of the Regional Transport Authority, Alleppey expired on 30-9-1958. But the said authorities continued to function till 30-12-1958. Government ,by Notification No. 74520|58|PW|TB1 dated 23-12-1958, sanctioned the continuance of the State Transport Authority and the Regional Transport Authorities retrospectively from the dates of expiry of their term till their successors were appointed. Doubts were expressed whether such sanction for continuance could be given to operate retrospectively and whether decisions taken or orders passed by these authorities during the period could be held to be valid. With a view to place the matter beyond doubt, Government think it necessary to validate the sanction given and also the decisions and orders of these authorities during the said period. Hence the Bill.

T. V. THOMAS.